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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,806	06/21/2001	Ignaz M. Gorischek	45242/AW/N276	6158

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EXAMINER

REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/886,806	Applicant(s) GORISCHEK, IGNAZ M.	
	Examiner Erick Rekstad	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11, 15, 19 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11, 15, 19 and 22-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a Final Rejection for application no. 09/886,806 in response to the amendment filed on July 11, 2005 where in claims 2-11, 15, 19, and 22-31 are presented for examination.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

Double Patenting

Claim 5 objected to under 37 CFR 1.75 as being a substantial duplicate of claim 2. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 5, 11, 19, 24, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2002/0015226.

[claims 24 and 19]

As shown in Figure 1, Rottcher teaches a mirror (20) containing a display (26) where in the mirror has a reflective and transmissive properties (Paragraph [0021]). Rottcher further teaches the use of a touch screen in order to call up various functions and program procedures (Paragraph [0007]). The touch screen controls a computer, video recorder, dvd-player, cd-player or the like using a control unit (32, Fig. 2)(Paragraphs [0007], [0009]-[0010], and [0021]). Rottcher teaches the mounting of the mirror on the wall using the rearward limb portions 15 of the frame profile members 14 (Paragraph [0019] and [0020]). Rottcher further teaches the mirror can also be integrated into items of furniture, bars, and counters (Paragraph [0025]). It would have been obvious to one of ordinary skill in the art at the time of the invention that when the mirror of Rottcher is laid horizontally to be integrated into a counter the rearward limb portions 15 is the base of the mirror.

[claims 2, 4, and 5]

As shown above for the rejection of claim 24, Rottcher teaches the use of a video recorder, dvd-player, cd-player or the like (Paragraphs [0007], [0009]-[0010], and [0021]).

[claim 11]

Rottcher further teaches the use of an audio component (38, Fig. 2) (Paragraph [0008]).

[claims 25-27]

As shown above Rottcher teaches the use of pre-recorded video (Paragraph [0009]). Rottcher further teaches the use of the mirror for advertising (Paragraphs [0002]-[0003]). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the vcr or dvd-player of Rottcher to play an infomercial as this is a well known video advertising means (Official Notice).

Claims 3, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rottcher as applied to claim 24 above, and further in view of US Patent 5,940,120 to Frankhouse et al. and US Patent Application Publication 2001/0031081 to Quan et al. [claim 3]

As shown above Rottcher teaches the use of a mirror with a display which can be connected to a computer, video recorder or the likes (Paragraph [0009]). Rottcher does not teach the image source including a scanner.

As shown in Figures 6 and 7, Frankhouse teaches a similar vanity console display system (120). The system contains a mirror (132), an image display (90), and a video image source (94). Where in the video image source is a camera. Frankhouse further teaches the use of a user controlled switch (76) for controlling the zooming of the video image source (94) (Col 5 Lines 1-58). As shown in Figure 10, Frankhouse teaches a control unit (76) connected to said video image source (94, Fig. 6) and configured to receive user input signals (Col 6 Lines 25-31). Frankhouse does not teach the use of a touch screen.

Quan teaches the use of a touch screen for selecting the location to zoom on a display (Paragraphs [0012]-[0013] and [0037]). Quan further teaches the storage of an

image for later viewing (scanning) in order to see ones self with eyes closed or see ones face from the side (Paragraph [0039]-[0040]). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the switch (76) of Frankhouse with the touch screen of Quan in order to allow the user to select the location to zoom on the display. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the display of Rottcher with the display of Frankhouse and Quan in order to allow a user to see themselves with their eyes closed or from the side.

[claim 10]

As shown in Figures 6 and 8, Frankhouse further teaches the use of an illumination device (160) mounted on the vanity console (Abstract, Col 5 Lines 18-22). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the illumination device of Frankhouse with the mirror of Rottcher in order to provide sufficient light as taught by Frankhouse.

[claim 15]

Frankhouse teaches the use of a zoom control (76) for altering the video image signal (Col 5 Lines Col 5 Lines 20-22, Col 6 Lines 25-31). Quan teaches the use of the zooming in order to enlarge or reduce an image. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the zoom control of Frankhouse with the mirror of Rottcher in order to provide a close up image of a users face as taught by Quan.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rottcher, Frankhouse and Quan as applied to claims 24 and 3 above, and further in view of US Patent 6,124,886 to Deline et al.

[claims 6 and 7]

As shown above, Rottcher, Frankhouse and Quan teach the vanity console of claims 24 and 3. Rottcher, Frankhouse and Quan do not teach the use of a printer. As shown in Figure 47, Deline teaches the use of a printer (509) comprised within the vanity system for printing receipts (Col 31 Lines 1-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Rottcher, Frankhouse and Quan with the printer of Deline in order to print receipts. It would have been obvious to one of ordinary skill in the art at the time of the invention to print images, as this is a known task for a printer (Official Notice).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rottcher, Frankhouse and Quan as applied to claims 24 and 3 above, and further in view of US Patent Application 09/725,277 (US20020063855) to Williams.

[claims 8 and 9]

Rottcher, Frankhouse and Quan teach the vanity console of claim 1. Quan further teaches the image display is a laptop (Paragraph [0043], Fig. 3). Rottcher, Frankhouse and Quan do not teach the vanity console comprising a projector. As shown in Figures 7A and 7B, Williams teaches a portable projector means for use with a mobile computer or other devices which contain integral display screens in order to provide a viewable display which is larger than the physical form factor of the device

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(Abstract, Paragraphs [0008] and [0030]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the projector of Williams with the system of Rottcher, Frankhouse and Quan in order to provide an image larger than the physical form factor of the device as taught by Williams.

Claims 22, 28, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rottcher as applied to claim 24 above, and further in view of US Patent 6,560,027 to Meine.

[claims 28 and 29]

Rottcher teaches the display as shown above for claim 24. Rottcher further teaches the use of the mirror for advertising as required by claim 29. Rottcher does not teach the display is hidden from a user and the image is visible to the user through the mirror when the image display is actuated to transmit said image. Meine teaches a similar mirror display system as Rottcher as shown in Figure 1 (Col 1 Lines 31-63). Meine further teaches the display is visible only when activated in order to provide a normal reflective mirror when not in use and provide information to the user when in use (Col 3 Line 57-Col 4 Line 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Rottcher with the displaying means of Meine in order to provide a normal mirror when the system is not in use.

[claim 22]

As shown above for the rejection of claim 24, Rottcher teaches the use of a video recorder, dvd-player, cd-player or the like (Paragraphs [0007], [0009]-[0010], and [0021]).

[claim 31]

Rottcher teaches the use of a mirror for advertisements on a counter (Paragraph [0025]). Though, Rottcher is silent on the specific sales of cosmetics. It is well known in the art for a shopping mall to provide mirrors to view oneself wearing a product (clothing, jeweler, cosmetics, etc) before purchasing (Official Notice). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the advertising mirrors of Rottcher on a cosmetic counter in order to advertise merchandise in the store (Official Notice).

Claims 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rottcher and Meine as applied to claim 28 above, and further in view of US Patent 5,940,120 Frankhouse et al. and US Patent Application Publication 2001/0031081 to Quan et al.

[claim 23]

Frankhouse teaches the use of a zoom control (76) for altering the video image signal (Col 5 Lines Col 5 Lines 20-22, Col 6 Lines 25-31). Quan teaches the use of a pointing device in order to enlarge or reduce an image. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the zoom pointing device of Frankhouse and Quan with the mirror of Rottcher and Meine in order to provide a close up image of a users face as taught by Quan.

[claim 30]

Rottcher teaches the mirror is 140cm long and a height of 80 cm with the display being 30cm long and a height of 24 cm. Rottcher does not teach the display is between

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one-half to one-quarter the size of the mirror. Frankhouse teaches the mirror is 7in high and 5.75in wide with a display with a 3 to 4 inch diagonal screen. Therefore both screen sizes are between one-half and one-quarter the size of the mirror. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the mirror and screen size of Frankhouse with the system of Rottcher as a design choice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,106,121 to Buckley et al.

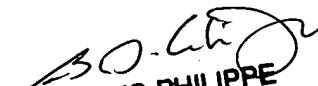
US Patent Pub. 2002/0118218 to Voticky et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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